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August 10, 1944

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Mrs. Mary Bettwy  
County Recorder, Santa Cruz County  
Nogales, Arizona

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

Dear Mrs. Bettwy:

We have your request for an opinion regarding Section 55-1301, Arizona Code 1939, which reads as follows:

"Electors absent from county or physically disabled may vote.--A qualified and registered elector who is absent from the county of which he is an elector, or who expects to be absent from such county, at the time of holding any general or primary election, or who furnishes the county recorder with a doctor's certificate of physical inability to go to the polls, may vote at such election as hereinafter provided."

This section is similar in import to, and should be read in connection with, Section 55-1310 Code of 1939, in accommodation to voters absent, or expecting to be absent from the county, in which registered, on election day.

While it is the policy of the law to facilitate qualified electors in the exercise of their suffrage franchise, we cannot read something into the statute that is not there. The statutes permit an absent voter to cast his vote in accordance with the statutes, only, when absent from the county, or who expects to be absent from the county, at the time of holding the election.

These statutes do not apply to absence from a precinct.

Respectfully,

JOE CONWAY  
Attorney General

EARL ANDERSON  
Chief Assistant  
Attorney General

THOMAS J. CROAFF  
Assistant Attorney Gen'l